

REMARKSINTRODUCTION:

In accordance with the foregoing, claims 45, 51, 54, 58-60, and 62-64 have been amended, and claims 69-71 have been added and are deemed patentable due at least to their depending from corresponding claims 45, 51, and 59. No new matter is being presented, and approval and entry of the foregoing amendments and new claims are respectfully requested. Claims 45-51, 53-60, and 62-71 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §112:A. Claim 51 is compliant with 35 U.S.C. §112, first paragraph

On page 2 of the Office Action, the Examiner rejects claim 51 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed and reconsideration is requested.

As noted by the Examiner in the interview, support exists for the features of claim 51. As such, it is respectfully submitted that the rejection has been overcome.

B. Claims 45-67 are compliant with 35 U.S.C. §112, second paragraph

On pages 2-3 of the Office Action, the Examiner rejects claims 45-67 under 35 U.S.C. § 112, second paragraph, since the Examiner asserts that the term "additional information" is an indefinite relative term. This rejection is respectfully traversed and reconsideration is requested.

As an initial point of clarification, claims 52 and 61 were previously cancelled without prejudice or disclaimer. Therefore, it is respectfully submitted that the rejection is deemed moot with respect to these claims.

By way of review and example, claim 45 recites, among other features, "additional information related to the contents." As discussed with the Examiner in the interview, while it is believed that the term "additional information" is compliant with 35 U.S.C. §112 in and of itself, the term "additional information" is further defined in the claim in regards to its relation to the contents identifier. As such, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claim 45.

For at least similar reasons, it is respectfully requested that the Examiner reconsider and withdraw the remaining rejections of claims 46-51, 53-60, and 62-67 under 35 U.S.C. §112, second paragraph.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 3-5, the Examiner rejects claims 51 and 53-57 under 35 U.S.C. §102 in view of Levy et al. (U.S. Patent No. 6,505,160). This rejection is respectfully traversed and reconsideration is requested.

By way of review, claim 51 recites, among other features, "a server for receiving a file including an identifier of predetermined contents from a reproduction apparatus for reproducing the contents, the file being prepared by and stored by a browser on the reproduction apparatus prior to transmission to the server, retrieving one of the additional information items related to the contents identifier from the additional information data base according to the received file, and transmitting the retrieved one additional information item to the reproduction apparatus." In contrast and as discussed with the Examiner in the interview, Levy et al. discloses retrieving a contents ID, such as an International Standard Recording Code (ISRC) directly from the contents, and transmitting the retrieved ID to a server 1 for use in retrieving linked data stored therein. (Col. 3, lines 24-29, col. 4, lines 33-67; FIG. 1). There is no suggestion that Levy et al. stores the ISRC in a file prepared by a browser for purposes of transmission. As such, it is respectfully submitted that Levy et al. does not disclose or suggest the invention recited in claim 51.

Claims 53-57 are deemed patentable due at least to their depending from claim 51.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 5-9, the Examiner rejects claims 45-50 and 58-60, and 62-68 under 35 U.S.C. §103 in view of Levy et al. and Leonhard et al. (U.S. Patent Publication No. 2002/52933). The rejection is respectfully traversed and reconsideration is requested.

On page 6 of the Office Action, the Examiner acknowledges that Levy et al. does not suggest the use of a Cookie file, and relies upon Leonhard et al. to teach the use of a Cookie to transmit information. The Examiner further asserts on page 6 that one of ordinary skill in the art would use the Cookie of Leonhard et al. to transmit the contents ID of Levy et al. since Leonhard et al. uses a Cookie to get media information with ease over a network, and Levy et al. teaches communicating over a network using a web browser. As additional clarification, the Examiner clarifies on page 10 of the Office Action that, since a Cookie is a commonly used in web browsers and Levy et al. uses a web browser, the use of the Cookie of Leonhard et al. in Levy et al. would have been obvious.

However, as also discussed with the Examiner in the interview, it is respectfully

submitted that web browsers need not always store data in a Cookie and there is no evidence that such web browsers in all aspects are even required to perform storage at the decoder of Levy et al. Further, there is no evidence that the use of a Cookie of Leonhard et al., when used in the recited context, would be understood to ease transmission of media from a client to a server system as asserted by the Examiner. Lastly, even assuming temporary storage occurs at a network device during transmission, there is no evidence that such temporary storage necessarily occurs at a sending device as opposed to an intermediary network device, or why such temporary storage should be at a cookie of the sending device.

Therefore, it is respectfully submitted that there remains insufficient evidence of a motivation to make the combination as is required to maintain a *prima facie* obviousness rejection of claim 45 under 35 U.S.C. §103 using Levy et al. and Leonhard et al.

However, in order to clarify the features of claim 45 consistent with the Examiner's comments during the interview, claim 45 has been clarified to recite "a controller for storing the contents identifier provided by the identifier provider as a Cookie file, transmitting the stored contents identifier through the network connector to a server system, which provides additional information related to the contents through the network connector, and receiving through the network connector the additional information provided from the server system after the stored contents identifier was transmitted."

For at least similar reasons, it is respectfully submitted that there is insufficient evidence of a motivation as to why one of ordinary skill in the art would have combined Levy et al. and Leonhard et al. to achieve the invention as set forth in claims 58 and 59 as is required to maintain a *prima facie* obviousness rejection under 35 U.S.C. §103.

It is respectfully submitted that there further remains insufficient evidence to maintain a *prima facie* obviousness rejection under 35 U.S.C. §103 of claims 46-50, 60, and 62-68, which depend from corresponding claims 45 and 59, due at least there being insufficient evidence to maintain a *prima facie* obviousness rejection of claims 45 and 59.

On pages 8-9 of the Office Action, the Examiner asserts that since Levy et al. returns data associated with the identifier, the returned data is reproduced such that the combination discloses and suggests the recited features of claim 65. However, Levy et al. does not suggest that the contents are not reproduced while the returned data is reproduced. Further, to the extent that col. 4, lines 62-65 of Levy et al. suggests returning data associated with the identifier as set forth in the Office Action, there is no suggestion that the returned data is reproduced without the content data. Since Leonhard et al. is not relied upon as curing this feature and in addition to the patentability of claim 45, it is respectfully submitted that the combination does not

disclose or suggest that "the received additional information is reproduced without reproducing the corresponding contents" as recited in claim 65.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest the invention as recited in claim 67

CONCLUSION:

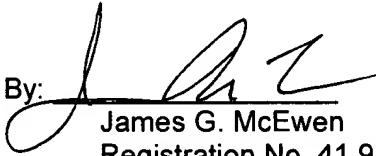
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By: 
James G. McEwen
Registration No. 41,983

1400 Eye Street, NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

Date: Oct 6, 2005